

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 19-11400-RGS

JIE YING FANG

v.

ANDREW SAUL, COMMISSIONER OF SOCIAL SECURITY

ORDER

July 18, 2019

Plaintiff Jie Ying Fang, a resident of Boston, filed a *pro se* complaint seeking judicial review of a decision concerning plaintiff's benefits application. Plaintiff requests modification of the decision to grant disability benefits starting on April 26, 2016, retroactive to the date of his initial disability on May 7, 2015. With the complaint, plaintiff filed motions for counsel and for leave to proceed *in forma pauperis*.

When plaintiff filed his complaint on June 24, 2019, he named as defendant Nancy Berryhill, then Acting Commissioner of Social Security. However, one week earlier, on June 17, 2019, Andrew Saul was sworn in as commissioner of the agency. When a public officer ceases to hold office, his or her successor is automatically substituted as a party. Rule 25(d), Fed. R. Civ. P.

Accordingly:

1. Pursuant to Fed. R. Civ. P. 25(d), the court directs the clerk to substitute Andrew Saul, Commissioner of Social Security Administration, as the proper defendant.

2. The motion for leave to proceed *in forma pauperis* is granted.

3. The motion for counsel is denied without prejudice.

4. The Clerk shall issue a summons for service of the defendant and the plaintiff shall serve the summons, complaint, and this Order in accordance with Rule 4 of the Federal Rules of Civil Procedure.

5. Because the plaintiff is proceeding in forma pauperis, he may elect to have the United States Marshals Service (“USMS”) complete service with all costs of service to be advanced by the United States. If so asked by the plaintiff, the USMS shall serve copies of the summons, complaint, and this Order upon the defendant as directed by plaintiff. The plaintiff is responsible for providing the USMS all copies for service and for completing a USM-285 form for each party to be served. The Clerk shall provide the plaintiff with forms and instructions for service by the USMS.

6. The plaintiff shall have 90 days from the date of the issuance of the summons to complete service.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE